

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 12720 of 2007

Oral order:

On the ground that the petitioner indulged in corrupt practices and collected bribes from the beneficiaries for issue of materials and for releasing the payments, and thereby tarnished the image of 1st respondent-A.P. State Housing Corporation Limited, the 2nd respondent-District Collector, by reason of the order dated 15.06.2007, impugned in this writ petition, placed the petitioner under suspension, pending enquiry into the charges.

It is the case of the petitioner that on 10.06.2007, the Monitoring Team-II of the Housing Corporation, inspected the works undertaken in the Mandal, and issued memo dated 10.06.2007 with respect to works undertaken in Singampally Colony of Balla Gram Panchayat in which about 17 houses are being constructed, and called upon him to submit his explanation with regard to the four charges mentioned therein. The petitioner states that one of the charges framed therein, relate receipt of complaints from the beneficiaries with regard to collection of amounts through middlemen. The petitioner states that though he submitted his explanation, the 2nd respondent without considering the same, again on one of the four charges, namely collection of bribes from the beneficiaries for issue of materials and making payments, has issued the impugned order, placing him under suspension, which is illegal and arbitrary.

The learned Standing Counsel for the respondents though took time to file counter, did not file counter. However, on instructions, fairly admitted that the impugned order has been passed by the 2nd

respondent, without considering the explanation of the petitioner.

Since the impugned order has been passed by the 2nd respondent without considering the explanation of the petitioner, both the counsel for the petitioner as well as the learned Standing Counsel for the respondents agreed for disposal of the writ petition with the following directions:

The impugned order dated 15.06.2007, passed by the 2nd respondent, placing the petitioner under suspension, pending enquiry into charges, is set aside. The 2nd respondent is directed to consider the explanation submitted by the petitioner in pursuance of the memo dated 10.06.2007 issued by the Monitoring Team-II, and the material available before him, and pass appropriate orders.

Accordingly, the writ petition is allowed. No costs.

N.V. RAMANA, J.

Dated: 10th July, 2007.
KSR